

**GOVERNMENT OF TELANGANA
ABSTRACT**

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local Scheduled Tribe Certificates under GO Ms.No.24 dt.12.6.2018 of TW (LTR.1) Department – Memo Rc.No.C3/2469/2019, dt:27.10.2020 issued by District Collector, Adilabad to Sri T. Indalsingh S/o. Balsingh (Balaji), in which the request for issue of Local Scheduled Tribe Certificate is rejected - Appeal filed by Sri T. Indalsingh S/o. Balsingh (Balaji) R/o. Nagalkonda Village of Narnoor Mandal, Adilabad District – Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 41

**Dated: 04-06-2021
Read the following:-**

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Memo. Rc.No.C3/2469/2019, dt:27.10.2020 of Collector, Adilabad District.
3. Appeal petition filed by Sri T. Indalsingh S/o. Balsingh (Balaji) R/o. Nagalkonda Village of Narnoor Mandal, Adilabad District, dated 18.11.2020.
4. Govt.Memo.No.990/TW.LTR/2020, dated 16.12.2020.
5. Lr.Rc.No.D5/309/2018, dated: 22.12.2020 of P.O, ITDA, Utnoor, Adilabad District.
6. Notice No.990/TW.LTR/2020, dt. 16.12.2020.

ORDER:

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Collector & District Magistrate, Adilabad District vide her orders in the reference 2nd cited, has rejected the request of Sri T. Indalsingh S/o. Balsingh (Balaji) R/o. Nagalkonda Village of Narnoor Mandal for issue of Local Scheduled Tribe Certificate as per G.O.Ms.No. 24, Dt. 12.06.2018.

3. The history of the case is that the appellant Sri T. Indalsingh S/o. Balsingh (Balaji) R/o. Nagalkonda Village of Narnoor Mandal has been provisionally selected for the post of Junior Panchayath Secretary through TSPSC 2018 for which he was in need of Local ST Certificate. He approached the Tahsildar, Narnoor several times but the Tahsildar refused to issue the same saying that the land records are not available since 1950. Against this, the individual had filed an appeal before the PO ITDA Utnoor. The committee headed by the PO ITDA Utnoor had verified the documents produced by the individual with reference to GO Ms.No.24, TW (LTR.1) Dept. dt.12.6.2018 and found as not genuine – basing on the following findings:

- Applicant submitted a copy of 1950-51 pahani in which name of Sri Harilal is noted in Nagalkonda Revenue village of Narnoor Mandal – on verification of original record available in Tahsil office, Narnoor, it is observed that the name noted against Sl.No.10 is over-written. Further, on verifying the document produced by the applicant, it is seen as over-writing of the name on the document submitted by the applicant.

(Contd...2)

- Applicant produced a copy of 1971 voter list showing his father's name as Balaji S/o Gopaji as recorded at Sl.No.175 with H.No.1-40 in polling station No.242 with part No.237-Boath Assembly Constituency. Further, name of Sri Harilal is shown as brother of Sri Balaji as per family tree submitted by the applicant and claimed that name of Sri Harilal was recorded in 1950 pahani as cultivator. But, on verifying copy of the voter list of 1971 the name of Sri Harilal is not shown. The relationship is also not established between Harilal and Balaji as brothers as shown in family tree.

4. The Scrutiny Committee finally concluded that Sri Tilawath. Indalsingh S/o. Balsingh (Balaji) R/o Nagalkonda village of Narnoor Mandal had failed to produce sufficient evidences to prove his continuous residence in Agency area since 26.1.1950 to till date as per GO Ms.No.24, TW (LTR.1) Dept. dt.12.6.2018 and hence, the committee had decided that the claim of the applicant was not genuine.

5. Further, Sri T. Indalsingh had submitted representation dt.1.6.2020 stating that his forefathers are residing in Agency area before 1950, hence requested to re-verify the memo issued by the PO ITDA, Utnoor.

6. Therefore, the Dist. Collector, Adilabad issued show cause notice No.C3/2469/2019, dt.28.6.2020 directing the individual to attend in person on 29.6.2020 at 11.00 AM along with connected documents to prove his or his forefathers continuous residence in agency area since 1950.

7. In compliance, the individual had attended and submitted the following documents:

- i) Family Trees – 2 – one family tree issued by the Tahsildar, Narnoor in favour of J.Charan Singh (brother's son as claimed by applicant), another one in the name of applicant which is not attested by any authority.
- ii) Copy of Pahani for the year 1950-51 of Nagalkonda village, in Sy.No.51/9 Sri Harilal (paternal uncle as claimed by the applicant) was recorded in cultivation column (seen as overwriting).
- iii) Copy of Pahani for the year 1955-56, 1956-57 & 1957-58 of Nagalkonda village, in Sy.No.51/9 Sri Harilal (paternal uncle as claimed by the applicant) was recorded in cultivation column.
- iv) Copy of Pahani for the year 1962-63 of Nagalkonda village, in Sy.No.51/9 Sri Harilal (paternal uncle as claimed by the applicant) is recorded in cultivation column.
- v) Copies of Pahani for the year 1964-65, 1967-68 and 1968-69 of Nagalkonda village, in Sy.No.38 in the name of Sri Harilal (paternal uncle as claimed by the applicant) recorded in cultivation column.
- vi) Copy of Pahani for the year 1978-79 of Nagalkonda village, in Sy.No.38, ext.10.04 across the name of Balaji S/o Gopaji (father as claimed by the applicant) recorded in cultivation column.

(Contd....3)

::3::

- vii) Copy of pahani for the year 1983-84 of Nagalkonda village, in Sy.No.38, ext.10.04 acres the name of Balaji S/o Gopaji (father as claimed by the applicant) recorded in pattedar column.
- viii) Copy of pahani for the year 1996-97 of Nagalkonda village, in Sy.No.67/199/A, ext.5.23 acres the name of Tilawath Balaji S/o Gopaji (father as claimed by applicant) recorded as pattedar.
- ix) Copy of Pahani for the year 2004-05 of Nagalkonda village of Sy.No.67/199/A, ext.5.00 acres in the name of Tilawath Balaji S/o Gopaji (father as claimed by applicant).
- x) Copy of voter list for the year 1971 of Nagalkonda (vg) Part No.242, the name of Sri Balaji S/o Gopaji (father of Sri Indalsingh) Smt.Devakibai W/o Balaji (mother of Sri Indal singh) are mentioned at Sl.No.175 & 176 respectively.
- xi) Copy of Voter list for the year 1979 of Nagalkonda (vg) Part No.203, the name of Sri Balaji S/o Gopaji (father of Sri Indal singh) Smt.Devakibai W/o Balaji (mother of Sri Indal singh) are mentioned at Sl.No.254 & 255 respectively.

8. Further, the candidate had deposed that his paternal uncle (pedda nanna) namely Sri Harilal name was recorded as pattedar in the year 1950-51, subsequently due to family partition his father Balaji S/o Gopaji got inherited land in Sy.No.38 from Harilal S/o Gopaji (paternal uncle) and also deposed that Harilal migrated to Dhannora-B village of Indervelly Mandal – hence his name was not reflected in voter list of 1971 of Nagalkonda village of Narnoor Mandal. The candidate further deposed that they are residing in Nagalkonda village of Narnoor Mandal since 1950.

9. As directed, on 16.7.2020, the candidate had submitted a copy of faisal patti showing the land in Sy.No.38 of Nagalkonda village transferred from Harilal S/o Gopaji to Balaji S/o Gopaji (father as claimed by applicant) through family partition, but as per report of Tahsildar, Narnoor, the faisal patti submitted by the candidate was not traced out in their office. The candidate failed to submit the documents showing that how Harilal S/o Gopaji got the land in Sy.No.38 and he also failed to submit any document showing the relationship between Harilal and Balaji as brothers as shown in family tree.

10. On perusal of documents submitted by the candidate, it was observed that he submitted land records of (3) different Sy.Nos. i.e. 51/9, 38, 67/199/A of Nagalkonda village of Narnoor Mandal to prove his continuous residence in agency area since 1950 but he failed to submit link documents of above Sy.Nos. from 1950. Further, in 1950-51 record also, name of Sri Harilal (paternal uncle as claimed by applicant) was seen over-writing and relationship between Harilal & Balaji not proved anywhere.

11. Hence, the findings of the Scrutiny Committee were accepted and request of Sri Tilawath Indalsingh S/o. Balsingh (Balaji) R/o. Nagalkonda Village of Narnoor Mandal for issue of Local ST Certificate as per GO Ms.No.24, dt.12.6.2018 was rejected.

(Contd...4)

12. Aggrieved to reference 2nd cited, Sri Tilawat Indalsing S/o Balasing (Balaji) R/o Nagalkonda village of Narnoor Mandal, Adilabad District has filed an appeal dt.18.11.2020 before the Department on 19.11.2020 praying to conduct re-verification of his documents. The following documents have been submitted along with the Appeal and also during hearing before the Government on 23.12.2020:

i) Family Tree No.1 – as drawn by VRO Nagalkonda, Revenue Inspector, Narnoor and Tahsildar, Narnoor

Jadhav Gopaji is grandfather and he has five sons namely 1) Venkatram 2) Harilal 3) Balaji (father of appellant) 4) Lalaji and 5) Kishan.

Harilal i.e. paternal uncle has three sons namely 1) Durgaji 2) Harilal and 3) Laxman.

Balaji i.e. father of appellant has seven sons namely 1) Seetharam 2) Vasanthrao 3) Gopal 4) Indalsingh 5) Anarsingh 6) Ranapratap singh and 7) Rajmanohar Singh.

ii) Family Tree No.2 – as Notarized

Tilawat (Jadhav) Gopaji S/o Amar Singh is grandfather of appellant. He has five sons namely 1) Venkatram 2) Harilal 3) Balaji (father of appellant) 4) Lalaji and 5) Kishan.

Balaji i.e. father of appellant has seven sons namely 1) Seetharam 2) Vasanthrao 3) Gopal 4) Indalsingh 5) Anarsingh 6) Ranapratap singh and 7) Rajmanohar singh.

Thus, in both the Family Trees same names and hierarchy has been noticed – of which one was recorded by the concerned Mandal revenue officials and the other one duly sworn in notarized affidavit. Thus, the relationship between Harilal and Balaji is clearly established that they are own brothers and sons to Tilawat Gopaji i.e. grandfather of appellant.

iii) Pahani for 1950-51 Nagalkonda village – issued by Tahsildar, Narnoor Mandal – shows name of Harilal (elder brother of father of appellant) (written in Modi Marathi language) translated by Sri Nagorao Jhade, Marathi Modi Translator R/o Mahagaon, Narnoor Mandal.

iv) Teen Saal Pahani for the years 1955-1956, 1956-1957, 1957-1958 – Nagalkonda village – name of Harilal (elder brother of father of appellant) (written in Modi Marathi language) translated by Nagorao Jhade, Marathi Modi Translator R/o Mahagaon, Narnoor Mandal.

v) Pahani for 1962-63 – Nagalkonda village – recorded name of Harilal (elder brother of father of appellant) (written in Hindi) for an extent of acs.10.4 in Sy.No.38.

(Contd....5)

- vi) Pahani 1964-65 – Nagalkonda village – recorded name of Harilal (elder brother of father of appellant) for an extent of acs.10.4 in Sy.No.38.
- vii) Pahani 1966-67 – Nagalkonda village – recorded name of Harilal (elder brother of father of appellant) for an extent of acs.10.4 in Sy.No.38.
- viii) Pahani 1968-69 – Nagalkonda village – recorded name of Harilal (elder brother of father of appellant) for an extent of acs.10.4 in Sy.No.38.
- ix) Pahani 1978-1979 – Nagalkonda village – recorded name of Balaji (father of appellant) for an extent of acs.10.4 in Sy.No.38 as per family partition shown at Sl.No.84 of Mutation Register as issued by Tahsil office.
- x) Pahani 1982-83 & 1983-84 – Nagalkonda village – recorded name of Balaji (father of appellant) for an extent of acs.10.04 in Sy.No.38 patta under cultivation.
- xi) Copy of Faisal Patti 1982 – shows name of Harilal S/o Gopaji (elder brother of father of appellant) in Sy.No.38 for an extent of acs.10.04 gts – mutated in favour of Sri Balaji S/o Gopaji (father of appellant) under Namuna No.6 – family partition – Sl.No.84 of Mutation Register – issued by Tahsildar, Narnoor.
- xii) Pahani 1984-85 – Nagalkonda village – recorded name of Balaji S/o Gopaji (father of appellant) for an extent of acs.10.04 gts in Sy.No.38 patta.
- xiii) Namuna No.4 – Chowfasla – Nagalkonda village – Narnoor Mandal – Division: Utnoor - 1992-93 – shows name of Jadhav Lalaji S/o Gopaji (younger brother of father of appellant) at Sl.No.92.
- xiv) Faisal Patti 1996-97 – Nagalkonda village – Narnoor Mandal – shows name of Tilawat Balaji S/o Gopaji in Sy.No.67/199/A for an extent of acs.5.23.
- xv) Village Account No.4 – 2004-05 – shows name of Tilawat Balaji S/o Gopaji at Sl.No.209 in Sy.No.67/199./A for an extent of acs.5.00.
- xvi) Pahani 2007-08 – shows name of Balaji S/o Gopaji for an extent of acs.10.04 in Sy.No.38 patta.
- xvii) Chowfasla 4 – Nagalkonda village – 2010-11 – shows name of Tilawat Vasanth S/o Balaji (elder brother of appellant) at Sl.No.262 for an extent of acs.5.00 in Sy.No.67/199/B.
- xviii) Voter list for the year 1971 – 237 Boath Assembly Constituency – Nagalkonda village – Part No.242 – names of Balaji S/o Gopaji, Devakibai W/o Balaji (parents of appellant) found at Sl.Nos.175 and 176.

(Contd...6)

- xix) Voter list for the year 1977 – Boath Assembly Constituency – Nagalkonda village – Part No.203 – names of Balaji S/o Gopaji, Devakibai W/o Balaji (parents of appellant) found at Sl.Nos.254 and 255.
- xx) Certificate of proof of Local ST Candidate bearing No.B/417/2012, dt.24.4.2012 issued by Tahsildar, Narnoor – wherein it was certified that T.Indalsingh S/o Balsingh (Balaji) R/o Nagalkonda – DoB is 12.05.1975 belongs to ST Sub-Caste Lambada is residing at Nagalkonda village of Narnoor Mandal, Adilabad District, which falls within the Scheduled area since 26.1.1950. His parents and forefathers had been residing in Nagalkonda village of Narnoor Mandal, which falls within the scheduled area since 26.1.1950.
- xxi) Copy of Memo.No.C/106/2020, dt.2.7.2020 issued by Dy.Tahsildar, Narnoor to the appellant stating that the pahani copy pertaining to 1970 of Sy.No.38 as applied for, is not available in the office.
- xxii) GP Nagalkonda resolution passed by Jadhav Sunitha, W/o Narayana, aged: 50 years, occ: Sarpanch along with other villagers as witnesses – stated that Sri Tilawat Indalsingh S/o Balaji and their ancestors have been living in Nagalkonda village from before 1950.
- xxiii) Family Partition agreement entered into by Harilal, Balaji, Lalaji and Kishan sons of Gopaji.
- xxiv) Family Partition agreement dt.25.4.1979 entered into by Balaji, Lalaji, Kishan sons of Gopaji.
- xxv) GP Resolution dt.26.11.2020 – wherein it was declared that Sri Harilal and Balaji are own brothers – the family of Sri Tilawat Indalsingh S/o Balaji and their ancestors have been living in Nagalkonda village since 1920.
- xxvi) 50B Cases Particulars since 1968 onwards in Utnoor Taluq (available in the record sent by PO ITDA Utnoor) – name of Sri Harilal S/o Gopaji R/o Dhanora-K found at Sl.No.58 for an extent of acs.10.20 in Sy.No.51/9 at Nagalkonda (Rs.800 Regd.1411/64, dt.31.10.1964) and extent of acs.3.7 in Sy.No.47 at Dhanora-K (Rs.2000 unregd. 3.1.1967).

13. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.

14. Accordingly, vide reference 5th read above, the Project Officer, ITDA, Utnoor, Adilabad District has submitted the connected records the case along with remarks/findings of the scrutiny committee.

(Contd....7)

::7::

15. Vide reference 6th read above, a Notice has been issued to the Appellant to attend for hearing on 23.02.2021 at 2.00 PM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 23.02.2021, and submitted the documents as submitted along with Appeal Petition.

16. From the above documentary evidences produced by the appellant along with the Appeal, before the Government during hearing on 23.12.2020 and documents available on record, it is found that the appellant Sri Tilawat Indalsing S/o Balsingh (Balaji) is a local ST of Nagalkonda, an agency village in Narnoor Mandal of Adilabad District.

17. From the record, there is no complaint made against the appellant Sri Tilawat Indalsingh S/o Balsingh (Balaji) R/o Nagalkonda village and the District Collector, Adilabad ought to have informed the same to the appointing authority about the genuineness of his agency area local ST status. Non-compliance of directions of the Hon'ble High Court would lead to contempt proceedings and on this count also, the appeal deserves to be allowed.

18. Government after careful examination of the documents available on record, documents submitted by the Appellant along with the appeal petition, during the hearing on 23.5.2021 and also in the light of the Interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in interim orders passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.09.2018 it is found that the appellant Sri Tilawat Indalsing S/o Balsingh (Balaji) is a local ST of Nagalkonda, an agency village in Narnoor Mandal of Adilabad District.

19. Accordingly, Government hereby setting aside the Memo Rc. No. C3/2469/2019, dt.27.10.2021 of District Collector, Adilabad and allowed the Appeal filed by Sri T. Indalsingh S/o. Balsingh (Balaji) R/o. Nagalkonda Village of Narnoor Mandal and treating him as Local ST of Nagalkonda, an agency village in Narnoor Mandal of Adilabad District and the Local ST certificate issued previously by the Tahsildar, Narnoor bearing No.B/417/2012, dt.24.4.2012 is treated as valid.

20. The Collector & District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

Sri T. Indalsingh S/o. Balsingh (Balaji) R/o. Nagalkonda Village of Narnoor Mandal, Adilabad District.

Copy to:

1. The Secretary, Telangana State Public Service Commission,
Hyderabad (for information & necessary action)

(Contd....8)

::8::

2. The Project Officer, ITDA Uttoor, Adilabad District (for information & necessary action)
3. The District Panchayat Officer, Adilabad District (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
6. The PS to Special Secretary (TW)
7. SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER